



W.P.No.531 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.531 of 2020

K.S.Rajendran

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.
3. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai – 600 008.
4. The Chairman,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai – 92.
5. The Vice-Chairman,



W.P.No.531 of 2020

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Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai – 92.

6. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai – 92.
7. The Superintending Engineer,
Construction Wing, Tower-II, 9th Floor,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
8. The Senior Estate Officer (Koyambedu),
I Floor, West Wing,
Thalamuthu Natarajan Building,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the seventh respondent to execute a lease cum sale agreement in favour of the petitioner for the shop bearing No. A-13 in the Food Grain Market, Koyambedu Wholesale Market Complex and also to handover the same to the petitioner within a reasonable time.

For Petitioner : Mr. M.V.Kalai Chithram

For Respondents : Mr. V.Manoharan,



W.P.No.531 of 2020

Additional Government Pleader (for R1)

Mrs. P.Veena Suresh,
Standing Counsel (for R2 to R8)

O R D E R

This Writ Petition has been filed to direct the seventh respondent to execute a lease-cum-sale agreement in favour of the petitioner for the shop bearing No. A-13 in the Food Grain Market, Koyambedu Wholesale Market Complex, and also to hand over the same to the petitioner.

2. The third respondent announced a sale for the shops at Food Grain Market, vide a Tender Notice dated 22.07.2019. The petitioner submitted an application and was allotted Shop No. A-13. He paid a sum of Rs. 14,68,000/-, being 20% of the total value of the shop, by way of Demand Draft dated 03.09.2019. After availing a loan from Axis Bank, the petitioner paid the remaining amount in favour of the third respondent. Thereafter, the petitioner submitted a representation to register the sale deed in his favour in respect of the shop allotted to him.



W.P.No.531 of 2020

WEB COPY

3. On a perusal of the counter-affidavit filed by the second and third respondents, it reveals that in the tender auction, the petitioner was allotted Shop No. A-13, admeasuring 367 sq.ft in Food Grain Market, for outright purchase on 27.11.2019 at a cost of Rs. 83,00,000/-. The petitioner had paid 20% of the total cost for the said shop, and the remaining amount was paid for Shop No. G/A-314 instead of G/A-13. Therefore, the petitioner was requested to clarify whether the said amount was paid for Shop No. G/A-13 or G/A-314. However, no response was received from the petitioner.

4. Heard the learned counsel for both sides and perused the materials available on record.

5. Admittedly, the petitioner had paid the entire amount of Rs. 83,00,000/- as per the order of allotment dated 27.11.2019 for Shop No. A-13 in Food Grain Market. Further, there was no allotment in favour of the petitioner in respect of Shop No. G/A-314. Therefore, if any payment was made in respect of Shop No. G/A-314 without any allotment in favour of the petitioner, the said amount has to be adjusted in respect of Shop No. A-13.



W.P.No.531 of 2020

WEB COPY

6. In view of the above, the third respondent is directed to accommodate the amount deposited by the petitioner in Shop No. A-13, measuring an extent of 367 sq.ft in Food Grain Market, Koyambedu, Chennai, and to register the sale deed in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is disposed of. No costs.

12.09.2024

Index: Yes/No
Neutral Citation: Yes/No
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To

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5/7



W.P.No.531 of 2020

WEB COPY

3. The Chief Executive Officer,
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W.P.No.531 of 2020

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W.P.No.531 of 2020

12.09.2024